

REMARKS/ARGUMENTS

In response to the Office Action mailed June 21, 2006, Applicants amend their application and request reconsideration in view of the amendments and the following remarks. In this amendment Claim 1 is amended, no claims are cancelled without prejudice and no claims are added so that claims 1 and 3-5 are currently pending. No new matter has been introduced.

Claims 1 and 3-5 were rejected under 35 U.S.C. §112, first paragraph. Applicants have amended the claims to more clearly set forth the invention. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1 and 3-5 were rejected as being unpatentable over U.S. Patent No. 6,231,598 to Berry et al. (Berry) in view of U.S. Patent No. 6,699,277 to Freidberg et al. (Freidberg). This rejection is respectfully traversed.

The MPEP, in section 706.02(j), sets forth the basic criteria that must be met in order to establish a *prima facie* case of obviousness.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d,488,20

USPQ2d 1438 (Fed.Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.”

Section 2143.03 of the MPEP clarifies certain criteria in section 706.02(j).

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1074). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).”

The present invention, as claimed in amended independent claim 1, is directed to a stent. The stent comprises a plurality of hoops having a plurality of interconnected struts forming a substantially diamond shape configuration, a plurality of sinusoidal rings connecting adjacent hoops to one another, and proximal and distal attachment devices for securing a graft member to the stent. The stent has proximal and distal end hoops that are configured to have greater radial and longitudinal strength than the hoops therebetween. The proximal hoop is flared. The sinusoidal rings being formed from a plurality of alternating struts, wherein a junction of the alternating struts of the sinusoidal rings and a junction of interconnected struts of the plurality of hoops are a common junction. Each of the plurality of sinusoidal rings have more than twice the number of struts forming the plurality of hoops. The junction is at the apex of at least one diamond shaped configuration of the hoops and at least one apex of the intersection of alternating struts of the sinusoidal rings. The proximal attachment device is positioned distal of the proximal open-end of the stent such that the proximal open end of the stent is exposed to the body vessel. Both the proximal and distal

attachment devices comprise tabs formed from the joining of two struts and have at least two apertures therein. The alternating struts forming the sinusoidal rings are substantially shorter in length than the plurality of interconnected struts of the plurality of hoops. The plurality of hoops, the plurality of sinusoidal rings and the proximal and distal attachment devices form a monolithic structure.

Applicants respectfully submit that the prior art references, whether taken alone or in combination, fail to disclose or suggest all of the claim limitations. Specifically, as clearly illustrated in the Figures and set forth in the specification (see page 12, lines 12-29 wherein it is stated that there are 9 diamonds each having two struts and 52 alternating struts in the sinusoidal rings), the sinusoidal rings each have more than twice the number of struts forming the plurality of hoops. In other words, there are at least two apices of sinusoidal ring in hoop unit. Friedberg and Berry fail to even remotely suggest the sinusoidal ring illustrated in Figure 4 and set forth in the specification. The junction of the sinusoidal rings and the diamond shaped sections occurs at the apex of at least one diamond and the apex of at least one intersection of alternating struts of the sinusoidal ring. None of the references, whether taken alone or in combination discloses or suggests a monolithic structure wherein a sinusoidal ring resides between each hoop component. In addition, in the present invention, the device is formed from a single element forming a one-piece finished structure. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

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A favorable Action is respectfully requested.

Respectfully submitted,

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